

REMARKS/ARGUMENTS

The Examiner is requiring to one of the following groups:

- Group I: Claims 1 – 13 and 29, drawn to a membrane;
- Group II: Claims 14 – 26, drawn to a process of making a membrane;
- Group III: Claim 28, drawn to a lithium battery; and
- Group IV: Claims 30 and 31, drawn to a process for separating electrical components.

Applicants elect, with traverse, Group I, Claims 1 – 13 and 29, for examination.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). When citing lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with the others (MPEP § 1893.03(d)), i.e. why a single general inventive concept is nonexistent. The lack of a single inventive concept must be specifically described.

The Examiner has argued that Groups I through IV are not linked to form a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same special technical feature for the following reason: “the process of making the membrane includes features such as adding adhesion promoters, heating treatment under specified conditions that are not common with the membrane of group I. Group [I] has particles of specified surface area that are not common to the process of making the membrane. The lithium battery constitutes a distinct composition that differs [from] the composition of produced [group] I [by the processes of] group II. Group IV does not include all the features of claim and is directed to a specific process of [u]sing that does not limit the membrane structure of claim 1.”

However, Annex B of the Administrative Instructions under the PCT, paragraph b (Technical Relationship), states (with emphasis added):

“The expression “special technical feature” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, *considered as a whole*, makes over the prior art. *The determination is made on the contents of the claims as interpreted in light of the description and drawings* (if any).”

Applicants contend that the Examiner did not consider the claimed invention, as a whole and in view of the disclosure of the invention, in asserting that the membranes as claimed in the claims of Group I are not limited by the limitations of the processes as claimed in the claims of Group II. Therefore, the Examiner has not met the burden necessary to support the assertion of a lack of unity of the invention.

Applicants submit that the Examiner has not shown that an examination of all of the present claims can be made without serious burden placed on the Examiner. Applicants further submit that the Examiner has failed to meet the burden necessary in order to sustain the requirement for restriction. Therefore, Applicants request that the requirement for restriction be withdrawn and that all of the present claims be examined on the merits.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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